

## **REMARKS**

Claims 1-6, 9-16, 19-30 and 37-42 are pending. By this Amendment, Claims 1, 11, 21, 37, 39 and 41 are amended.

### **Rejections under 35 USC §103(a)**

Claims 1-6, 9-16, 19-30 and 37-42 are rejected under 35 U.S.C. § 103(a) over He (US Publication No. 2004/0,118,916) in view of Maynard (U.S. Patent No. 5,949,335). This rejection is respectfully traversed.

He captures an image of an object and captures an ID (identification) from an RFID tag, and consults a database to determine whether the object and the ID match. If they do match, then the ID identifies the object in the captured image. If they don't match, then the ID identifies a different object than the (mystery) object in the captured image, and the object in the captured image remains un-identified. Thus He either identifies the object in the captured image or identifies a different object not shown in the captured image. See, for example, He's Abstract, He's numbered paragraphs [0008], [0049], [0061], [0062], and He's Claim 1.

He also discloses capturing an image and capturing multiple RFID codes, retrieving images associated with the captured RFID codes, and then comparing the retrieved images against the captured image. If there is a match between one of the retrieved images and the captured image, then the RFID corresponding to the matching retrieved image is considered to positively identify the object shown in the captured image. See He at numbered paragraphs [0049] and [0055].

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As acknowledged by the Examiner, He fails to disclose or suggest disclose or suggest identifying two objects in an image, as variously encompassed by the independent claims, and fails to disclose or suggest *"identifying a second object in the image using a library of potential matches narrowed based upon the first identifier of the first object, the second object being identified by a second identifier that is different from the first identifier"*, as formerly recited for example in Claim 1.

The Examiner cites Maynard as disclosing these features, but Applicant respectfully disagrees.

Applicant further asserts that He and Maynard, when considered both separately and in combination, fail to disclose or suggest identifying a first object shown in an image, and then identifying a second object that is shown distinctly and separately from the first object in the image, where the second object is identified from a subset of a library of matches that was narrowed or selected from the library based on the identification of the first object, as variously encompassed by independent Claims 1, 11 and 21.

In addition, Applicant further asserts that He and Maynard, when considered both separately and in combination, fail to disclose or suggest that *"the first object does not identify the second object and wherein the selected subset of potential matches refers to objects that are not components of the first object"*, as recited in dependent Claims 37, 39 and 41.

Turning now to a particular discussion of Maynard, Applicant notes that Maynard discloses in Figure 3 an RFID (Radio Frequency Identification) tag 20 includes both tag data 34 that identifies the tag, and also asset data 36 that identifies an asset to which the RFID tag 20 is attached. The Examiner also cites Maynard at column 4, lines 42–60 (C4/L42–60) which further discloses that the RFID tag has first and second data storage areas, and data uniquely

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identifying the tag is written into the first data storage area and data describing and identifying an asset (such as a piece of computer equipment) is written into the second data storage area. As shown in Figure 3, the RFID tag can include a third data storage area for security data. The Examiner points out that the second data storage area can also include information regarding components within the asset. (E.g., Maynard at C4/L42-60).

In the ***Response to Arguments*** section the Examiner sets forth three basic arguments.

First, the Examiner argues that second data storage area of Maynard's RFID contains information regarding components of the asset, and this information is a narrowed library of potential matches that is selected by identifying the asset.

However, this argument fails because those components are not shown in He's image, separately from the first object in He's image. At best, when He is combined with Maynard as outlined by the Examiner, the components referred to in the second part of Maynard's RFID are hidden parts of the asset that the Examiner apparently identifies as corresponding to the first object. Therefore, they do not represent or indicate a second object that is shown separately from the first object in the image. Accordingly, He and Maynard both fail to disclose or suggest *"identifying a second object that is shown in the image separately from the first object using the selected subset of potential matches, the second object being identified by a second identifier that is different from the first identifier"*, as recited in Claim 1, and similar features recited in independent Claims 11 and 21.

In addition, the Examiner's first argument fails for two further reasons.

Neither He nor Maynard disclose a step of selecting a subset of a library of possible matches for a second object that is shown separately from the first object in the image. Up till now the Examiner has argued that identifying Maynard's asset functioned to automatically

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select the RFID attached to the asset and also the second data storage area of the RFID with its listing of asset components. However, the second data storage area of Maynard's RFID does not disclose or suggest a subset of potential matches for a *second object that is shown in an image separately from a first object*. Accordingly, Maynard and He fail to disclose or suggest "selecting, based on the first identifier, a subset of a library of potential matches, wherein the subset is less than the library of potential matches" and then employing the subset by **"identifying a second object that is shown in the image separately from the first object using the selected subset of potential matches"**, as recited in Claim 1 and similar features recited in Claims 11 and 21.

Finally, the second data storage area of Maynard's RFID (which refers to components of the asset to which the RFID belongs) fails to disclose or suggest "*wherein the selected subset of potential matches refers to **objects that are not components of the first object***", as recited in dependent Claims 37, 39 and 41.

The Examiner's second argument, found near the bottom of page 3 of the Office Action, has at its core an assertion that when the object in He's image does not match an RFID associated with the image and the object in the image is thus a "mystery object", the mystery object and the wrong RFID tag code cannot be used to identify a second object.

However, this argument fails because He's mystery object is not identified. In contrast, in an exemplary embodiment encompassed by the presently pending independent claims, a first object and second object, both shown in an image, *are both identified*. For this reasons, the Examiner's second argument fails. In particular, He and Maynard, when considered separately and in combination, fail to disclose or suggest "*the first identifier identifying the first object in the image ... and identifying a second object that is shown in the image separately*

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*from the first object using the selected subset*", as recited in Claim 1, and similar features recited in Claims 11 and 21.

In the Examiner's third argument, found on page 4 of the Office Action, the Examiner disagrees with Applicant's previously presented argument that He and Maynard fail to disclose or suggest identifying a second object using visual image models in a library of potential matches. Instead, the Examiner argues that He's identifying an object by comparing a captured image against stored image data, discloses identifying a second object.

The Examiner's third argument is incorrect because He discloses identifying only one object in a captured image, not two objects. Accordingly He fails to disclose or suggest *"identifying the second object comprises comparing the visual image models with the captured image to identify the second object"*, as recited in dependent Claims 38, 40 and 42. Maynard fails to overcome this deficiency of He because Maynard does not disclose or suggest identifying objects based on image matching.

For at least the above reasons, He and Maynard, when considered both separately and in combination, fail to disclose or suggest independent Claims 1, 11 and 21 and dependent Claims 37-42.

Applicant also notes that by combining He with Maynard in the manner outlined by the Examiner, the result is a system that can attempt to identify a single object in an image, and if the object is successfully identified, then based on the second storage area of Maynard's RFID, components of the identified object are also known.

However, this system that results from the Examiner's combination fails to disclose or suggest identifying a second object in the image that is separate from the first object. The resulting system also fails to disclose or suggest selecting a subset of images based on the

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identification of the first object, and then matching one image from the subset of images to a second object in the image to identify the second object. In particular, the Examiner's combination of He with Maynard fails to disclose or suggest, and is not capable of, identifying a first object in an image, selecting a subset of a library of possible matches based on the identification of the first object, and then identifying a second object in the using the subset, wherein the second object is shown separately from the first object in the image, as variously encompassed by the independent claims.

Thus, He and Maynard, when considered both separately and in combination, fail to disclose or suggest *"requesting identification of a first object in association with a capture of an image; receiving a first identifier, responsive to the requesting operation, the first identifier identifying the first object in the image; selecting, based on the first identifier, a subset of a library of potential matches, wherein the subset is less than the library of potential matches, and identifying a second object that is shown in the image separately from the first object using the selected subset of potential matches, the second object being identified by a second identifier that is different from the first identifier"*, as recited in independent Claim 1, and similar features recited in independent Claims 11 and 21.

In addition, the dependent claims depend variously from allowable independent Claims 1, 11 and 21, and are therefore likewise allowable for at least the same reasons as independent Claims 1, 11 and 21.

For at least the above reasons, withdrawal of the rejection of Claims 1-6, 9-16, 19-30 and 37-42 under 35 U.S.C. § 103(a) over He in view of Maynard is respectfully requested.

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## CONCLUSION

Applicant respectfully submits that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,  
Microsoft Corporation

Date: February 16, 2010

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